

REMARKS

Claims 1 and 50-92 are currently being prosecuted. Claim 81 is cancelled herein. Claims 1, 51, 59, 60, 68, 72, 82, 83, 85-87, 90 and 92 are amended herein. Applicant respectfully submits that all claim amendments are adequately supported by the specification and enable one of ordinary skill in the art to make and use the invention commensurate in scope with the claims.

I. Claim Objection -- Informality

The Office Action objects to claim 72 as purportedly informal. The amendment above should satisfy the objection and put this claim in condition for allowance.

II. Claim Rejections -- Indefiniteness

The Office Action rejects claims 51, 59, 68, 82, 86 and 90 under 35 U.S.C. § 112, second paragraph as purportedly indefinite. The amendments above should satisfy the rejections and put these claims in condition for allowance.

III. Claim Rejections -- Anticipation

The Office Action rejects claims 1, 50-73, 75, 77, 79, 80 and 92 under 35 U.S.C. § 102(e) as purportedly anticipated by Pachuk et al. (U.S. Patent No. 6,143,527). Applicant has amended independent claims 1 and 92 to include the step recited in canceled claim 81, "selecting the recombinant polynucleotide sequence that exhibits advantageous characteristics compared to corresponding characteristics of one or more reference sequences."

Pachuk et al. disclose no such selection step. Indeed, the Examiner implicitly acknowledges as much in the Office Action, as claim 81 was not rejected over Pachuk et al. Accordingly, the amendment should satisfy the rejections and put claims 1 and 92, as well as claims 50-73, 75, 77, 79, 80 which all depend from claim 1, in condition for allowance.

Applicant respectfully requests entrance of the above claim amendments. In view of the above remarks, early notification of a favorable consideration and allowance of all claims is respectfully requested.

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-0206.

Respectfully submitted,
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